

**SACK & SACK**

ATTORNEYS-AT-LAW

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NEW YORK, NEW YORK 10022

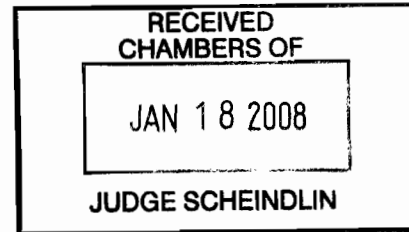
PHONE: (212) 702-9000 • FAX: (212) 702-9702

**Eric R. Stern**

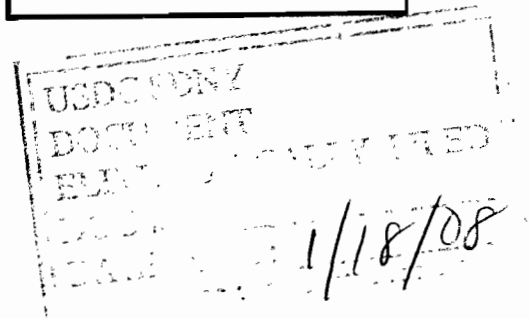
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January 18, 2008

**BY HAND AND FAX TO:** (212) 805-7920

Honorable Shira A. Scheindlin  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007



Re: **Jean P. Simon, MD v. UNUM, et al**  
**Index No. 07-CV-60385 (SAS)**

11426

Dear Judge Scheindlin:

We represent the Plaintiff in the referenced matter. We write to respectfully request an adjournment of the Initial Pretrial Conference currently scheduled for January 22, 2008, at 4:30 pm. This is Plaintiff's first request for such an adjournment. Defendants' Counsel consents to this request.

By way of background, on November 20, 2007, the Plaintiff, Dr. Pascal Simon, filed a Summons with Notice to bring an action for breach of contract, among other claims stemming from Defendants' bad faith denial of insurance claims. Subsequently, on or about December 20, 2007, Defendants removed this matter to the Southern District of New York. As of today's date, the Plaintiff has not yet served the Defendants with the Complaint in this matter. Accordingly, the Plaintiff's request that the Initial Conference setting forth discovery and other relevant deadlines be adjourned until the Complaint in this matter has been filed.

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Honorable Shira A. Scheindlin

January 18, 2008

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Thank you for your attention in this matter. We look forward to hearing from the Court in due course.

Very truly yours,

Eric R. Stern

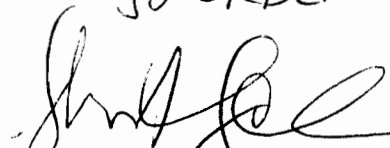
ERS/br

CC: VIA FAX TO: (212) 244-6200  
Andrew I. Hamelsky  
White and Williams, LLP  
One Penn Plaza, 18<sup>th</sup> Floor, Suite 1801  
New York, New York 10119

Plaintiff's request is granted. The initial conference previously scheduled for Jan. 22, 2008 is adjourned to Feb. 15, 2008, at 4:30 p.m. There will be no further adjournments.

SO ORDERED:

Date: Jan. 18, 2008

  
Shira A. Scheindlin, USDJ